REMARKS

The Office Action mailed October 10, 2006, has been received and reviewed. Claims 1, 3-8, 11, 13, 16, and 22 are currently pending the in the application. All claims stand presently rejected. Claims 1, 3-8, 11, 13, 16, and 22 have been amended herein. Basis for the amendments can be found throughout the Specification, and more specifically in ¶ 14 as well as in the Examples. All amendments are made without prejudice or disclaimer. Applicants respectfully request reconsideration.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3-8, 11, 13, 16, and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite. Specifically it was thought the phrase "recombinant mammalian receptor" was unclear.

Although the applicants do not agree that any of the claims are indefinite, to expedite prosecution, claims 1, 3-8, 11, 13, 16, and 22 have been amended herein. Specifically, claims 1, 3-8, 11, 13, 16, and 22 have been amended to no longer recite "recombinant mammalian receptor." As such, applicants respectfully submit that claims 1, 3-8, 11, 13, 16, and 22 can no longer be considered indefinite. Consequently, applicants respectfully request the withdrawal of the rejections of claims 1, 3-8, 11, 13, 16, and 22 under 35 U.S.C. § 112, second paragraph, and reconsideration of same.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-5, 11, 13, 16, and 22 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Medici *et al.*, 1997 (The EMBO Journal. 16(24): 7241-7249). However, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully traverse this rejection and submit that Medici fails to disclose each and every element of the rejected claims.

Claim 1, as amended, recites "an extracellular ligand-binding domain of a mammalian receptor." Claim 16, as amended, recites "a nucleotide sequence encoding a cytoplasmic domain of a mammalian receptor." Claim 22, as amended, recites "an extracellular domain having a ligand binding domain derived from a mammalian receptor." However, Medici only discloses a recombinant receptor wherein only the bait is of mammalian origin. As such, Medici does not disclose each and every element of amended claims 1, 16, and 22, or the claims dependent therefrom. Accordingly, applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 3-5, 11, 13, 16, and 22.

Rejections under 35 U.S.C. § 103(a)

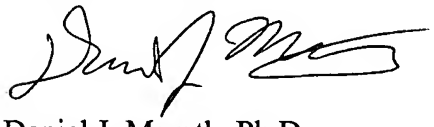
The Examiner indicates that claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Medici *et al.* in view of Osborne *et al.* Applicants respectfully traverse the rejections as hereinafter set forth.

A *prima facie* case of obviousness cannot be established because Medici and Osborne, fail to teach or suggest every claim element since claims 6-8 depend from and, thus, include the elements of amended, base claim 1. Claim 1, as amended, recites "an extracellular ligand-binding domain of a mammalian receptor." Applicants submit that Medici and Osborne, alone or in combination, fail to teach or suggest an extracellular ligand-binding domain of a mammalian receptor as required by amended claim 1. Therefore, claims 6-8, dependent from claim 1, cannot be obvious over Medici in view of Osborne. Consequently, applicants respectfully request withdrawal of the rejections of claim 6-8 under 35 U.S.C. § 103(a) and reconsideration of same.

CONCLUSION

In light of the above amendments are remarks, applicants respectfully request reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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